

**RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF MISSISSIPPI TO TAKE IMMEDIATE AND ARDENT LEGISLATIVE ACTION TO REPEAL SECTION 20201, TITLE II, OF PUBLIC LAW 115-123, AND TO DEFEAT SECTION 409, HR3697, CURRENTLY IN THE LEGISLATIVE PROCESS OF THE 116<sup>th</sup> CONGRESS**

WHEREAS, the Bonnet Carre' Spillway was opened for flood control purposes for a total of 123 days in 2019, releasing approximately 10 trillion gallons of Mississippi River water from the structure, and;

WHEREAS, the Mississippi River water released from the structure - through flow rate, natural tidal and wind forcing in the Pontchartrain Basin, and stratification of the water column - inundated Mississippi and Louisiana coastal waters in the Biloxi Marsh and Mississippi Sound, and;

WHEREAS, this inundation of Mississippi River water caused a total freshening of most of the Biloxi Marsh and Mississippi Sound and throughout Mississippi coastal waters, and;

WHEREAS, this inundation also dispersed inordinate amounts of chemicals and nutrients from upriver human uses that caused algae blooms in the Biloxi Marsh, Mississippi Sound and other Mississippi Coastal waters that did great harm to the ecosystems of the Biloxi Marsh, the Mississippi Sound, and other Mississippi Coastal waters and to the fisheries, tourism and way of life that depend on them; and

WHEREAS, this inundation has caused massive harm to the economy and fisheries throughout all the communities of the Mississippi and eastern Louisiana coastal counties and cities, as well as dire effects upon the marine mammal population in these coastal waters; and

WHEREAS, the State of Louisiana's Coastal Protection and Restoration Authority (CPRA) has filed Permit Application WQC 190227-01 with the US Army Corps of Engineers for construction of a large-scale Mississippi River Diversion project, and;

WHEREAS, this Louisiana project is proposed for construction in Breton Sound in Plaquemines Parish, LA, near Mississippi River Mile 68 (Wills Point) and extending into the Mid-Breton Sound Basin, and;

WHEREAS, this proposed Louisiana project is designed to be capable of releasing 75,000 cubic feet/second of Mississippi River water, and;

WHEREAS, under the Louisiana CPRA's own published operating regime of this Mississippi River diversion project, this structure will operate non-stop and continuously throughout the year in various ranges and could have operated at full 75,000 cubic feet/second release capacity for over 200 days from January – July 2019, releasing approximately 9.74 trillion gallons of Mississippi River water into the Breton Basin, similar to the amount of the aforementioned Bonnet Carre' Spillway release, and;

WHEREAS, there is significant reason for concern that Mississippi River water from this diversion project will reach Chandeleur Sound, the Biloxi Marsh area, and upwards into the Mississippi Sound, and;

WHEREAS, scientific studies and actual occurrences in 2019 have already vastly demonstrated the potential for harm caused by released Mississippi River water including, but not limited to, hypoxic conditions, harmful algae blooms, high marine mammal mortality, extreme devastation to commercial and recreational fishing resources, beach closures, and other extended economic and ecological effects, and;

WHEREAS, scientific studies, letters from multiple federal agencies to the Louisiana CPRA, and actual occurrences in receiving basins of Mississippi River water have confirmed the potential for harm caused by inundation of Mississippi River water to salt and brackish marsh grasses, their soil strength and root system compositions, and their ability to withstand scouring from storm fronts and storm surge which is vital to Mississippi and Louisiana coastal areas for hurricane protection, and;

WHEREAS, just prior to passage, Section 20201, a single paragraph inserted into a last-minute, large amendment to the Bipartisan Budget Act of 2018 (Public Law 115-123), mandated a very specific waiver of the Marine Mammal Protection Act review process for certain Louisiana projects, and;

WHEREAS, this waiver deliberately dismantled the important environmental review the Marine Mammal Protection Act affords during the Environmental Impact Statement phase of the projects' permitting process, and;

WHEREAS, HR3697, currently in the Legislative process of the 116<sup>th</sup> Congress, contains Section 409 which alters the definition of "Essential Fish Habitat" in the Magnuson Stevens Act in a way intentionally designed to exempt the aforementioned Louisiana proposed Mid-Breton large-scale Mississippi River Diversion project from yet another important environmental review during the Environmental Impact Statement phase of the project's permitting process; NOW THEREFORE,

BE IT RESOLVED BY THE Mayor and City Council OF THE City of Diamondhead, MISSISSIPPI, AS FOLLOWS:

SECTION 1 The Mayor and City Council respectfully requests that the entire Congressional Delegation of the State of Mississippi take immediate and ardent legislative action to repeal section 20201, Title II, of Public Law 115-123, and to defeat Section 409 of the proposed HR3697, which is currently in the Legislative process of the 116<sup>th</sup> Congress.


SECTION 2. This resolution shall take effect and be in force from and after adoption.

	Aye	Nay	Absent
Mayor Schafer	_____	<input checked="" type="checkbox"/>	_____
Councilmember Depreo	<input checked="" type="checkbox"/>	_____	_____
Councilmember Morgan	<input checked="" type="checkbox"/>	_____	_____
Councilmember Moran	_____	_____	<input checked="" type="checkbox"/>
Councilmember L'Ecuier	<input checked="" type="checkbox"/>	_____	_____
Councilmember Koenenn	<input checked="" type="checkbox"/>	_____	_____

ATTEST:

  
CITY CLERK

APPROVED:

  
THOMAS SHAFER, IV MAYOR